

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of:)	
)	
)	
Year 2000 Biennial Regulatory Review-)	
Amendment of Part 22 of the)	WT Docket Number 01-108
Commission's Rules to Modify or)	
Eliminate Outdated Rules Affecting the)	
Cellular Radiotelephone Service and)	
Other Commercial Mobile Radio Services)	

**Reply Comments of:
The Alexander Graham Bell Association for the Deaf and Hard of Hearing**

The Alexander Graham Bell Association for the Deaf and Hard of Hearing (AG Bell) offers the following comments in reply to those offered in response to the Commission's Notice of Proposed Rulemaking. Our review of the comments submitted by members and representatives of the wireless industry, as well as those offered by consumers, and organizations which represent deaf and hard of hearing individuals confirm our belief that the proposed changes would substantially weaken regulatory protection and hamper the ability of deaf and hard of hearing consumers to find accessible wireless telephone service.

AG Bell is a national organization comprised of parents of children who are deaf or hard of hearing, professionals who serve these children, and adults with hearing loss. Over half of AG Bell members are parents. The organization provides information and support and conducts advocacy on childhood hearing loss, emphasizing listening and speaking as a vehicle for acquiring spoken language. AG Bell children and adults fully utilize technology in order to maximize use of their residual hearing. With hearing technology, hearing aids, and cochlear implants, many AG Bell constituents are able to use voice telephones.

The comments submitted by both consumer organizations and representatives of the wireless industry demonstrate general agreement on certain facts. First, analog cellular service remains the only assured means of wireless telephone service for deaf and hard of hearing consumers. Second, both consumers and the wireless industry prefer that deaf and hard of hearing customers be able to use digital wireless phones and not be limited to the use of analog cellular phones. The industry would obtain significant benefits in terms of efficient use of spectrum and the elimination of

duplication of equipment if it did not need to maintain cellular service. Deaf and hard of hearing customers would gain the benefits of less expensive service with improved features if they were able to use digital phones. Finally, the proposed changes to cellular rules would allow carriers to phase out analog cellular service.

On these three points, the comments of the members of the wireless industry and those of deaf and hard of hearing individuals (and their organizations) are essentially in agreement. The problem, which was not adequately addressed in the comments of the wireless industry, is the fact that the elimination of the current cellular regulations would leave deaf and hard of hearing consumers with no guarantee of useable wireless service. The open competitive market assures that consumers who do not rely on hearing aids, cochlear implants or TTYs have a range of alternatives. However, because deaf and hard of hearing consumers cannot be sure that they will find useable digital service, this market fails to meet their needs.

We believe that the proposed change in the rules currently presents two insurmountable problems. First, even with the industry's best intentions, there is no assurance that it will have adequate digital technology available in time to ensure that deaf and hard of hearing users would be able to switch to digital service when their carrier suspended analog service. The industry's awareness of this problem is clearly reflected in its comments. The qualified assurances offered by the industry demonstrate this. With regard to TTY access, Cingular Wireless LLC (Cingular) states: "*Barring any unforeseen technological problems, it is anticipated* that TTY compatibility will be provided by the end of June 2002 - well before Cingular expects a complete transition would occur."¹ This less than total assurance is echoed by the Telecommunications Industry Association (TIA), "*TIA expects that, with few exceptions*, the remaining issues will be resolved and service providers will have necessary equipment upgrades available to deploy in their networks in order for them to be TTY compatible."² (Emphasis added)

¹Before the Federal Communications Commission, The Comments of Cingular Wireless LLC, July 2, 2001, p. 8.

²The Comments of the Telecommunications Industry Association, July 2, 2001, p. 4.

The industry comments regarding the ability to offer digital wireless handsets which are useable with hearing aids and cochlear implants likewise offer less than assured access. Two examples from the Comments of TIA and Cingular illustrate this : “Wireless carriers and manufacturers *continue to address* the issues for hearing aid compatibility³,” and “Cellular carriers *should* work to improve access to digital networks . . . ”⁴ (Emphasis added)

These comments are very hopeful and undoubtedly reflect good intentions on the part of the industry but they are a far cry from the solid requirements in Section 22.901 that a cellular carrier must make service available to all qualified customers.

Second, even if its members were willing to make firm commitments to assure that all consumers would be able to use digital wireless telephone service, recent history demonstrates significant limits in the industry’s ability to voluntarily produce accessible technology. Although the first digital wireless licenses were issued six years ago, there is still no consistent accessibility for deaf and hard of hearing consumers. Despite assurances of significant voluntary efforts, the industry has only just established a standard to measure the likely compatibility between a given handset and a given type of hearing aid. Although this standard represents the culmination of a considerable amount of work by engineers and scientists, in itself it does not produce accessible telephones.

Conclusion

The record clearly demonstrates that the wireless industry has failed to voluntarily provide consistent access to digital wireless communications for deaf and hard of hearing consumers. The comments submitted in response to this proposed Rulemaking demonstrate the industry’s inability to offer solid assurances that it will provide such access in the future. The comments make no secret of the industry’s desire to eliminate cellular analog service. These three facts force us to the conclusion that the elimination, or even a weakening, of the Commission’s regulations regarding analog cellular telephone service will leave deaf and hard of hearing consumers with no protected access to wireless communications. For these consumers, the open market has failed to provide alternatives. Without the ability to pick and choose among alternatives, they must rely on explicit regulations to ensure access, even to inferior analog service. The comments of the members of the wireless industry do nothing to demonstrate that this situation will change, and so, their request should be denied.

Respectfully submitted,

³Id. p. 5.

⁴Comments of Cingular Wireless p. 10.

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